

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

C.A.NO.4204 OF 2006 IN F.A.NO.121 OF 2005

Nitin V. Joshi. ..Applicant.

Vs.

The Municipal Corporation of Gr. Bombay.
..Respondent.

Mr.R.A.Thorat for the Applicant.
Mr.J.J.Xaviar for the Respondent.

CORAM: A.S.OKA, J.

DATE : 21st September, 2007

P.C.

1. The learned counsel appearing for the respondent Corporation has placed on record a communication dated 6th June, 2007 issued by the Assistant Commissioner S-Ward. The said communication is taken on record and marked "X" for identification. In the said communication it is stated that a proposal has been forwarded to the Assistant Commissioner (Market) for providing alternate accommodation to 28 eligible commercial project affected persons including the applicant and the said proposal is being processed through Assistant Commissioner (Market). It is also learnt that same is put up for sanction of Higher Authority. It is stated in the letter that no demolition action will be taken in the case of the persons mentioned in the said letter including the applicant without giving alternate accommodation. The

aforesaid statements made in the said communication are accepted. In view of the said statements, for the time being, prayer made in this application need not be considered. Hence, application is disposed of by following order.

(i) The aforesaid statements made by the Assistant Commissioner of the respondent Corporation in the communication dated 6th June, 2007 (Marked-"X") are accepted.

(ii) The respondent Corporation will communicate the decision taken on the proposal referred to in the said communication to the applicant. For a period of 15 days from the date of receipt of the communication of the decision by the Applicant, the respondent Corporation will not take action of demolition in respect of the premises held by the applicant.

2. If the decision is adverse to the applicant, it will be open for the applicant to take out appropriate proceeding in accordance with law.

3. Parties to act on a copy of this order duly authenticated by the registry of this court.

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(A.S. OKA, J.)